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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,866	11/06/2000	Qihua Xu	LAC03 P-302	9767

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EXAMINER

KILIMAN, LESZEK B

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 09/03/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/707,866

Applicant(s)

XU, QIHUA

Examiner

leszek b kiliman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12,23-31,47-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinneberg'028 in view of Pettus'588.

The applied Kinneberg'028 reference discloses an article comprising a metal substrate, a silane adhesion promoter and a polyurethane film and a method to obtain such article substantially as claimed. See column 3, lines 40-60, column 4, lines 34-40, column 8, line 1, column 12, claims. The Kinneberg'028 does not list chrome as a metal of choice for the substrate. However, Pettus'588 teaches that chrome surface is difficult to coat along with stainless steel. See column 2, lines 30-33. Pettus'588 uses silane adhesion promoter to coat difficult surfaces. It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute chrome of Pettus'588 for stainless steel of Kinneberg'028 since Pettus'588 has shown their equivalency.

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Regarding claim 2,4,24,26,48,50, Kinneberg'028 discloses aromatic amine functional silane-coupling agent and an epoxy functional silane-coupling agent.. See column 2, lines 35-40 and column 4, line 36.

Regarding claims 6-8, 52-54 Kinneberg'028 discloses the composition of the primer layer, see for example claims.

Regarding claim 10,29,56, Kinneberg'028 discloses a colorant, see claim12.

Regarding claims 3,5,9,10-12,14-15,19,21-22,25,27-28,30-31,33-35,37-38,49,51,55,57-58,60-61,65,67-68 it would have been obvious to select known material on the basis of its suitability for the intended use as a matter of obvious design choice and it would have been obvious to select the thickness or hardness of the layer since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art..

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13,16-18,20,32,36,59,62-64,66,69 are rejected under 35 U.S.C. 102(b) as being anticipated by Shustack'391.

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See Summary of the invention, column 6, lines 40-68, column 9, lines 1-35, column 13, lines 20-33, example X, claims.

5. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 13, 16-18, 20, 32, 36, 59, 62-64, 66, 69 are rejected under 35 U.S.C. 102(e) as being anticipated by Kinneberg'028.

See column 3, lines 40-65, claims, column 8, line 1.

The amendments and remarks filed by applicants on June 9, 2003 have been fully considered. The claims, however, remain unpatentable in view of the new grounds of rejections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leszek B. Kiliman whose telephone number is 703-308-2373. The examiner can normally be reached on M-T, 6.30-5.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on 703-308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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LESZEK KILMAN, PhD
PRIMARY EXAMINER